

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP, : Master Docket: Misc. No. 21-mc-1230-JFC
BI-LEVEL PAP, AND MECHANICAL :
VENTILATOR PRODUCTS : MDL No. 3014
LITIGATION :
This Document Relates to: :
: SHORT FORM COMPLAINT FOR
: PERSONAL INJURIES, DAMAGES,
: AND DEMAND FOR JURY TRIAL**

[Plaintiff Name(s)]

Jack Clampit and Debbie Clampit
2:21-cv-01728-JFC

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the “Master Long Form Complaint”). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. DEFENDANTS

1. Plaintiff(s) name(s) the following Defendants in this action:

 X Koninklijke Philips N.V.

 X Philips North America LLC.

 X Philips RS North America LLC.

Philips Holding USA Inc.

Philips RS North America Holding Corporation.

Polymer Technologies, Inc.

Polymer Molded Products LLC.

II. PLAINTIFF(S)

2. Name of Plaintiff(s):

Jack Clampit

3. Name of spouse of Plaintiff (if loss of consortium claim is being made):

Debbie Clampit

4. Name and capacity (*i.e.*, executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any:

not applicable

5. State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased, residence at the time of death):

Louisiana

III. DESIGNATED FORUM

6. Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing:

Western District of Louisiana, Monroe Division

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

<input type="checkbox"/> <i>E30 (Emergency Use Authorization)</i> <input type="checkbox"/> <i>DreamStation ASV</i> <input type="checkbox"/> <i>DreamStation ST, AVAPS</i> <input type="checkbox"/> <i>SystemOne ASV4</i> <input type="checkbox"/> <i>C-Series ASV</i> <input type="checkbox"/> <i>C-Series S/T and AVAPS</i> <input type="checkbox"/> <i>OmniLab Advanced +</i> <input type="checkbox"/> <i>SystemOne (Q-Series)</i> <input checked="" type="checkbox"/> <i>DreamStation</i> <input type="checkbox"/> <i>DreamStation Go</i> <input type="checkbox"/> <i>Dorma 400</i>	<input type="checkbox"/> <i>Dorma 500</i> <input type="checkbox"/> <i>REMstar SE Auto</i> <input type="checkbox"/> <i>Trilogy 100</i> <input type="checkbox"/> <i>Trilogy 200</i> <input type="checkbox"/> <i>Garbin Plus, Aeris, LifeVent</i> <input type="checkbox"/> <i>A-Series BiPAP Hybrid A30 (not marketed in U.S.)</i> <input type="checkbox"/> <i>A-Series BiPAP V30 Auto</i> <input type="checkbox"/> <i>A-Series BiPAP A40</i> <input type="checkbox"/> <i>A-Series BiPAP A30</i> <input type="checkbox"/> <i>Other Philips Resironics Device; if other, identify the model:</i> <hr/>
Model No. DSX200T11	

V. INJURIES

8. Plaintiff alleges the following physical injuries as a result of using a Recalled Device together with the attendant symptoms and consequences associated therewith:

COPD (new or worsening)
 Asthma (new or worsening)
 Pulmonary Fibrosis
 Other Pulmonary Damage/Inflammatory Response
 Cancer lung cancer (specify cancer)

- Kidney Damage
- Liver Damage
- Heart Damage
- Death
- Other (specify) bone metastasis

VI. CAUSES OF ACTION/DAMAGES

9. As to Koninklijke Philips N.V., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

- X Count I: Negligence
- X Count II: Strict Liability: Design Defect
- X Count III: Negligent Design
- X Count IV: Strict Liability: Failure to Warn
- X Count V: Negligent Failure to Warn
- X Count VI: Negligent Recall
- X Count VII: Battery
- X Count VIII: Strict Liability: Manufacturing Defect
- X Count IX: Negligent Manufacturing
- X Count X: Breach of Express Warranty
- X Count XI: Breach of the Implied Warranty of Merchantability
- X Count XII: Breach of the Implied Warranty of Usability
- X Count XIII: Fraud
- X Count XIV: Negligent Misrepresentation
- X Count XV: Negligence Per Se

Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law

Count XVII: Unjust Enrichment

Count XVIII: Loss of Consortium

Count XIX: Survivorship and Wrongful Death

Count XX: Medical Monitoring

Count XXI: Punitive Damages

Count XXII: Other [specify below]

10. As to Philips North America LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

Count I: Negligence

Count II: Strict Liability: Design Defect

Count III: Negligent Design

Count IV: Strict Liability: Failure to Warn

Count V: Negligent Failure to Warn

Count VI: Negligent Recall

Count VII: Battery

Count VIII: Strict Liability: Manufacturing Defect

Count IX: Negligent Manufacturing

Count X: Breach of Express Warranty

Count XI: Breach of the Implied Warranty of Merchantability

Count XII: Breach of the Implied Warranty of Usability

Count XIII: Fraud

Count XIV: Negligent Misrepresentation

Count XV: Negligence Per Se

Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law

Count XVII: Unjust Enrichment

Count XVIII: Loss of Consortium

Count XIX: Survivorship and Wrongful Death

Count XX: Medical Monitoring

Count XXI: Punitive Damages

Count XXII: Other [specify below]

11. As to Philips RS North America LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

Count I: Negligence

Count II: Strict Liability: Design Defect

Count III: Negligent Design

Count IV: Strict Liability: Failure to Warn

Count V: Negligent Failure to Warn

Count VI: Negligent Recall

Count VII: Battery

Count VIII: Strict Liability: Manufacturing Defect

Count IX: Negligent Manufacturing

Count X: Breach of Express Warranty

Count XI: Breach of the Implied Warranty of Merchantability

Count XII: Breach of the Implied Warranty of Usability

Count XIII: Fraud

Count XIV: Negligent Misrepresentation

Count XV: Negligence Per Se

Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law

Count XVII: Unjust Enrichment

Count XVIII: Loss of Consortium

Count XIX: Survivorship and Wrongful Death

Count XX: Medical Monitoring

Count XXI: Punitive Damages

Count XXII: Other [specify below]

12. As to Philips Holding USA Inc., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

Count I: Negligence

Count II: Strict Liability: Design Defect

Count III: Negligent Design

Count IV: Strict Liability: Failure to Warn

Count V: Negligent Failure to Warn

Count VI: Negligent Recall

Count VII: Battery

Count VIII: Strict Liability: Manufacturing Defect

Count IX: Negligent Manufacturing

Count X: Breach of Express Warranty

Count XI: Breach of the Implied Warranty of Merchantability

Count XII: Breach of the Implied Warranty of Usability

Count XIII: Fraud

Count XIV: Negligent Misrepresentation

Count XV: Negligence Per Se

Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law

Count XVII: Unjust Enrichment

Count XVIII: Loss of Consortium

Count XIX: Survivorship and Wrongful Death

Count XX: Medical Monitoring

Count XXI: Punitive Damages

Count XXII: Other [specify below]

13. As to Philips RS North America Holding Corporation, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries,

Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

Count I: Negligence

Count II: Strict Liability: Design Defect

Count III: Negligent Design

Count IV: Strict Liability: Failure to Warn

Count V: Negligent Failure to Warn

Count VI: Negligent Recall

Count VII: Battery

Count VIII: Strict Liability: Manufacturing Defect

Count IX: Negligent Manufacturing

Count X: Breach of Express Warranty

Count XI: Breach of the Implied Warranty of Merchantability

Count XII: Breach of the Implied Warranty of Usability

Count XIII: Fraud

Count XIV: Negligent Misrepresentation

Count XV: Negligence Per Se

Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law

Count XVII: Unjust Enrichment

Count XVIII: Loss of Consortium

Count XIX: Survivorship and Wrongful Death

Count XX: Medical Monitoring

Count XXI: Punitive Damages

_____ Count XXII: Other [specify below]

13. As to Polymer Technologies, Inc., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

Count I: Negligence

Count II: Strict Liability: Design Defect

Count III: Negligent Design

Count IV: Strict Liability: Failure to Warn

Count V: Negligent Failure to Warn

Count VIII: Strict Liability: Manufacturing Defect

Count IX: Negligent Manufacturing

Count XIII: Fraud

Count XIV: Negligent Misrepresentation

Count XVII: Unjust Enrichment

Count XVIII: Loss of Consortium

_____ Count XIX: Survivorship and Wrongful Death

Count XX: Medical Monitoring

Count XXI: Punitive Damages

_____ Count XXII: Other [specify below]

14. As to Polymer Molded Products LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

Count I: Negligence

Count II: Strict Liability: Design Defect

Count III: Negligent Design

Count IV: Strict Liability: Failure to Warn

Count V: Negligent Failure to Warn

Count VIII: Strict Liability: Manufacturing Defect

Count IX: Negligent Manufacturing

Count XIII: Fraud

Count XIV: Negligent Misrepresentation

Count XVII: Unjust Enrichment

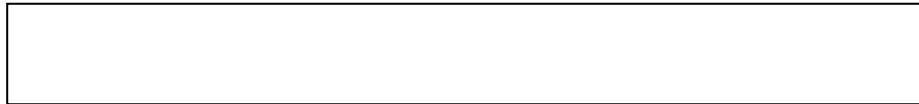
Count XVIII: Loss of Consortium

Count XIX: Survivorship and Wrongful Death

Count XX: Medical Monitoring

Count XXI: Punitive Damages

Count XXII: Other [specify below]



15. If additional claims against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial are alleged above, the additional facts, if any, supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following additional factual allegations against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial:

not applicable

16. Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):

not applicable

17. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 16 above:

not applicable

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: October 28, 2022

HOUSSIÈRE, DURANT & HOUSSIÈRE, LLP

By: /s/Randal Kauffman-

Charles R. Houssiere, III

Attorney in Charge

Texas Bar No. 10050700

choussiere@HDHtex.com

Randal A. Kauffman

Texas Bar No. 11111700

rkauffman@HDHtex.com

Garrett L. Gibbins

Texas Bar No. 24125243

ggibbins@hdhtex.com

ATTORNEYS FOR PLAINTIFFS